

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

HAWAIIAN ART NETWORK, LLC)	CIVIL NO. 11-00722 JMS/KSC
and VINCENT K. TYLOR,)	(Copyright Infringement)
)	
Plaintiffs,)	
)	
vs.)	
)	
ALOHA PLASTIC SURGERY, LLC;)	DECLARATION OF GLEN
JOHN DOES 1-10; JANE DOES 1-10;)	CARNER
DOE CORPORATIONS 1-10; DOE)	
PARTNERSHIPS 1-10; and DOE)	
ASSOCIATIONS 1-10,)	
)	
Defendants.)	
)	
)	
)	
)	
)	
)	

DECLARATION OF GLEN CARNER

I, Glen Carner, do hereby declare and state under penalty of perjury as follows:

1. I am the managing member of Plaintiff HAWAIIAN ART NETWORK, LLC., which is the agent for photographer VINCENT K. TYLOR in rights managed licensing of his images. HAWAIIAN ART NETWORK, LLC is the current owner, by

written assignment of all copyrights in the images at issue in this lawsuit.

2. I have personal knowledge of and am competent to testify to the matters contained in this Declaration.
3. Attached as Ex. "A" is a true and correct copy of a Stock Photography Quote showing regular Hawaiian Art Network pricing for the images used by Aloha Plastic Surgery, LLC in the specific uses made by Aloha Plastic Surgery, LLC. Hawaiian Art Network's prices are based upon standard industry pricing and its invoices are generated using a pricing software program called Fotoquote.
4. The regular licensing rate for one use of the thumbnail size image at the <http://www.hair-transplant-hawaii.com> website was multiplied times the number of infringing uses on the website, for an amount of actual damages for the infringing use of \$8,154.00. Regular Hawaiian Art Network prices for the images used at the www.plastic-surgery-hawaii.com and www.hawaiibiyouseikei.com websites was \$703.00, \$504.00, and 703.00 respectively, for a total actual use amount of \$10,516.88 (including \$452.88 Hawaii general excise tax).

5. As to the image used 27 times at the <http://www.hair-transplant-hawaii.com> website, I acknowledge that had the image been properly licensed, the licensee would have received a multiple-use discounts for several uses of an image at a single website. Because Aloha Plastic Surgery did not use the images legally, however, such discounts have not been applied to price the infringing uses.
6. Defendant's principal, Dr. Pasquale, holds himself out to be the CEO of a web design company according to his websites. Attached as Ex. "B" are true and correct copies of screenshots of websites containing Dr. Pasquale's descriptions of his website designer activities.

I declare under penalty of perjury that the above is true and correct to the best of my knowledge and belief.

DATED: Honolulu, Hawaii, March 23, 2012



GLEN CARNER